

SHB 1427 - H AMD 64

By Representative Macri

WITHDRAWN 03/03/2017

1 On page 3, beginning on line 17, strike all of section 3 and
2 insert the following:

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4 "Sec. 3. RCW 71.24.590 and 2001 c 242 s 2 are each amended to
5 read as follows:

6 (1) (~~For purposes of this section, "area" means the county in~~
7 ~~which an applicant proposes to locate a certified program and~~
8 ~~counties adjacent, or near to, the county in which the program is~~
9 ~~proposed to be located.~~)

10 When making a decision on an application for certification of a
11 program, the department shall:

12 (a) Consult with the county legislative authorities in the area
13 in which an applicant proposes to locate a program and the city
14 legislative authority in any city in which an applicant proposes to
15 locate a program;

16 (b) Certify only programs that will be sited in accordance with
17 the appropriate county or city land use ordinances. Counties and
18 cities may require conditional (~~or special~~) use permits with
19 reasonable conditions for the siting of programs. Pursuant to RCW
20 36.70A.200, no local comprehensive plan or development regulation
21 may preclude the siting of essential public facilities;

22 (c) Not discriminate in its certification decision on the basis
23 of the corporate structure of the applicant;

24 (d) Consider the size of the population in need of treatment in
25 the area in which the program would be located and certify only
26 applicants whose programs meet the necessary treatment needs of that
27 population;

1 (e) (~~Demonstrate a need in the community for opiate~~
2 ~~substitution treatment and not certify more program slots than~~
3 ~~justified by the need in that community. No program shall exceed~~
4 ~~three hundred fifty participants unless specifically authorized by~~
5 ~~the county in which the program is certified;~~

6 ~~(f))~~ Consider the availability of other certified opioid
7 treatment programs near the area in which the applicant proposes to
8 locate the program;

9 (~~(g))~~ (f) Consider the transportation systems that would
10 provide service to the program and whether the systems will provide
11 reasonable opportunities to access the program for persons in need
12 of treatment;

13 (~~(h))~~ (g) Consider whether the applicant has, or has
14 demonstrated in the past, the capability to provide the appropriate
15 services to assist the persons who utilize the program in meeting
16 goals established by the legislature, including (~~abstinence from~~
17 ~~opiates and opiate substitutes,~~) obtaining (~~(mental)~~) behavioral
18 health treatment services, improving economic independence, and
19 reducing adverse consequences associated with illegal use of
20 controlled substances. The department shall prioritize certification
21 to applicants who have demonstrated such capability;

22 (~~(i))~~ (h) Hold at least one public hearing in the county in
23 which the facility is proposed to be located (~~(and one hearing in~~
24 ~~the area in which the facility is proposed to be located)~~). The
25 hearing shall be held at a time and location that are most likely to
26 permit the largest number of interested persons to attend and
27 present testimony. The department shall notify all appropriate media
28 outlets of the time, date, and location of the hearing at least
29 three weeks in advance of the hearing.

30 (2) A county may impose a maximum capacity for a program of not
31 less than three hundred fifty participants if necessary to address
32 specific local conditions cited by the county.

33 (3) A program applying for certification from the department and
34 a program applying for a contract from a state agency that has been

1 denied the certification or contract shall be provided with a
2 written notice specifying the rationale and reasons for the denial.

3 ~~((3))~~ (4) For the purpose of this chapter, ~~((opiate~~
4 ~~substitution))~~ opioid treatment program means:

5 (a) Dispensing ~~((an opiate substitution drug))~~ a medication
6 approved by the federal drug administration for the treatment of
7 ~~((opiate addiction))~~ opioid use disorder; and

8 (b) Providing a comprehensive range of medical and rehabilitative
9 services."

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EFFECT: Makes a technical correction by moving the provision regarding imposition of a participant cap from subsection (1) to subsection (2).

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